

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

7201-7350

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., May 28, 1945.

CONTENTS

	Page		Page
Beverages and beverage materials.....	447	Fruits and vegetables—Continued.	
Dairy products.....	449	Fresh fruits.....	471
Butter.....	449	Frozen fruits.....	473
Cheese, cream, and milk.....	459	Miscellaneous fruit products.....	474
Eggs.....	460	Vegetables.....	477
Feeds and grains.....	463	Tomatoes and tomato products.....	481
Fish and shellfish.....	465	Spices and flavors.....	483
Fruits and vegetables.....	466	Miscellaneous foods.....	484
Canned fruits.....	466	Vitamin preparations and foods for special	
Dried fruits.....	468	dietary uses.....	485

BEVERAGES AND BEVERAGE MATERIALS

7201. Adulteration and misbranding of beverage sirups. U. S. v. 111 Cartons of Raspberry Flavored Sirup, 75 Cartons of Fruit Punch Flavored Sirup, 24 Cartons of Strawberry Flavored Sirup, and 9 Cartons of Pineapple Flavored Sirup. Default decree of condemnation. Products ordered delivered to charitable institutions. (F. D. C. No. 13795. Sample Nos. 88104-F, 88105-F, 88109-F, 88110-F.)

LIBEL FILED: September 18, 1944, District of Maine.

ALLEGED SHIPMENT: On or about August 14, 1944, by Gordon-Thaler, Inc., from Brooklyn, N. Y.

PRODUCT: 111 cartons, each containing 24 1-pint bottles, of raspberry-flavored sirup; 75 cartons, each containing 24 1-pint bottles, of fruit punch-flavored sirup; 24 cartons, each containing 24 1-pint bottles, of strawberry-flavored sirup; and 9 cartons, each containing 24 1-pint bottles, of pineapple-flavored sirup, at Portland, Maine.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, fruit flavor, had been in whole or in part omitted from the articles; and, Section 402 (b) (2), artificially-flavored and -colored acidulated sugar solutions, containing an insignificant amount of fruit flavor, had been substituted in whole or in part for raspberry-, fruit punch-, strawberry-, and pineapple-flavored sirups.

Misbranding, Section 403 (a), the names on the labels, "Raspberry Flavored Syrup," "Fruit Punch Flavored Syrup," "Strawberry Flavored Syrup," and

"Pineapple Flavored Syrup," were misleading; and, Section 403 (c), the articles were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "imitation," and, immediately thereafter, the names of the foods imitated.

DISPOSITION: October 31, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to charitable institutions.

7202. Adulteration and misbranding of beverage sirups. U. S. v. 74 $\frac{1}{4}$ Cases of Chocolate Dairy Mix, 33 $\frac{15}{24}$ Cases of Maple Flavor Sirup Imitation, 9 $\frac{1}{4}$ Cases of Crystal Clear Sirup; 7 $\frac{1}{2}$ Cases of Strawberry Flavored Dairy Mix, 18 $\frac{18}{24}$ Cases of Coffee Dairy Mix, and 125 $\frac{1}{2}$ Cases of Simple Sirup. Default decree of condemnation and destruction. (F. D. C. No. 14421. Sample Nos. 88214-F to 88216-F, incl.; 88218-F, 88221-F to 88223-F, incl., 88225-F.)

LABEL FILED: On or about November 15, 1944, District of New Hampshire.

ALLEGED SHIPMENT: Between the approximate dates of December 23, 1943, and April 29, 1944, by Old Chateau Products, Carlisle, Mass., from Boston, Mass.

PRODUCT: Fountain sirups; 269 $\frac{1}{8}$ cases containing a number of bottles and jars ranging in size from 1 pint to 1 gallon, at Laconia, N. H.

LABEL, IN PART: "Old Chateau * * * Non-settling Chocolate Dairy Mix Cream Line [or "Maple Flavor Syrup Imitation," "Crystal Clear Syrup," "Strawberry Flavored Dairy Mix," "Coffee Dairy Mix," or "Simple Syrup"]."

VIOLATIONS CHARGED: Adulteration, Section 402(a) (3), (maple flavor sirup imitation, Crystal Clear Syrup, Strawberry Flavored Dairy Mix, and Coffee Dairy Mix) the products consisted in whole or in part of decomposed substances, since they were in an active state of fermentation. Simple sirup, Section 402(b) (2), a sugar solution containing more than 35 percent of water had been substituted for "simple sirup." Chocolate Dairy Mix, Section 402(b) (4), artificial flavoring and artificial coloring had been added to the product and mixed and packed with it so as to make it appear to be better or of greater value than it was.

Misbranding (Chocolate Dairy Mix), Section 403(a), the label designation, "Chocolate Dairy Mix," was false and misleading as applied to a product containing no chocolate; Section 403(i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since it contained water which was not declared; Section 403(k), it contained artificial flavoring and it did not bear labeling stating that fact; and, Section 403(e) (2), (quart size only) it was food in package form and it failed to bear a label containing an accurate statement of the quantity of the contents, since the jars contained less than "1 Quart," the volume declared. Simple sirup, Section 403(a), the label designation, "Simple Syrup," was false and misleading as applied to a sugar solution containing more than 35 percent of water; Section 403(e) (2), the article was food in package form and it failed to bear a label containing an accurate statement of the quantity of contents, since the jars contained less than "1 Qt. Liquid," the volume declared; and, Section 403(i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: December 20, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

7203. Adulteration of coffee. U. S. v. 13 Cartons of Coffee. Default decree of condemnation and destruction. (F. D. C. No. 13455. Sample No. 75571-F.)

LABEL FILED: August 31, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 20, 1944, by the Wm. S. Scull Co., Camden, N. J.

PRODUCT: 13 cartons, each containing 12 1-pound bags, of coffee, at Youngstown, Ohio.

LABEL, IN PART: "Boscul Coffee."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its contamination with petroleum oil.

DISPOSITION: September 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.